UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ART UNIT	PAPER NUMBER
2151	8

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 January 2004*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 January 2004* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Amendment

1. This action is in response to amendments received on January 12, 2004.

Drawings

1. The replacement drawings have been received and considered by the examiner. The drawings are further objected to because reference numeral 406, referred to on page 6, line 10, is still not in Figure 4 of the drawing. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The examiner has received and considered amendments to claims 11 and 12. The examiner has therefore withdrawn the rejection under 35 U.S.C. § 112, 2nd.

Response to Arguments

1. Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1, 2, 9-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert, U.S. patent 6,457,099 in view of Janay et al. (hereinafter Janay), U.S. patent 6,295,075.

3. In considering claim 1, Gilbert discloses a method in a work station for selecting an application, said method comprising the steps of:

   a) downloading a CIP from a CIP repository, (col. 6, lines 1-13);

   b) downloading by means of the CIP an application selection processor and a selection screen for locally selecting an application, (col. 7, lines 61-67, col. 8, lines 1-9);

   c) locally selecting an application by means of the application selection processor and the selection screen, (col. 8, lines 9-11);

   d) the CIP interfacing with a NAP that controls access and security rights to remote software applications, (col. 8, lines 64-67, col. 9, lines 1-3).

Although the disclosed method of Gilbert shows substantial features of the claimed invention, it fails to expressly disclose:

   a) determining a client, and downloading by means of the CIP a client applet or flat file containing necessary parameters for accessing the selected application.

Nevertheless, in a similar field of endeavor, Janay discloses a method for communicating with remote clients comprising:

a) determining a client, and downloading client software containing necessary parameters to communicate with a remote host, (col. 3, lines 4-18).

Given the teachings of Janay, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Gilbert to provide a means for determining a client for selecting the application for selection, and to download a file, by means of the CIP, containing necessary access parameters from a repository for accessing the selected application. Doing so would have provided a user a means to access desired applications through an appropriate client, Janay, col. 2, lines 21-27.

4. In considering claim 2, although the disclosed method of Gilbert shows substantial features of the claimed invention, it fails to expressly disclose:

a) selecting a preferred client for the selected application.

Nevertheless, the method of Janay discloses:

a) selecting a preferred client for a selected application, (col. 3, lines 4-12).

Given the teachings of Janay, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Gilbert to provide a means for, in the step of determining a client for selecting the application for selection, selecting a preferred client for the selected application. Doing so would have

provided a user a means to access desired applications through an appropriate client, Janay, col. 2, lines 21-27.

5. In considering claim 9, the methods taught by Gilbert provide a means for the CIP repository, the application selection repository, the selection screen repository, and the one or more client repositories to be located in a single web server or in a plurality of web servers. See col. 6, lines 10-15.

6. In considering claim 10, the methods taught by Gilbert further provide a means for, in the steps of downloading, accessing the repositories through a web browser. See col. 10, lines 11-21.

7. In considering claim 11, the methods taught by Gilbert further provide a means for receiving in the web browser a means for accessing the CIP repository. See col. 6, lines 12-13.

8. In considering claim 12, the methods taught by Gilbert teach the CIP coded in Java language. The methods also provide a means for the web browser accessing the CIP repository and client applet repositories to be Java enabled. See col. 6, lines 49-51.

9. Claims 3-7, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gilbert in view of Janay, as applied to claim 1 above, and further in view of Araujo, U.S.

patent 6,327,662, and further in view of Kullick et al. (hereinafter Kullick) U.S. Patent

5,732,275.

10. In considering claims 3-7, although the disclosed methods of Gilbert and

Janay, shows substantial features of the claimed inventions, they fail to disclose:

a) downloading the CIP, selection processor, selection screen, or client

software, after determining whether the CIP, selection processor, selection

screen, or client software is locally available, or if the CIP, selection

processor, selection screen, or client software in the CIP, selection

processor, selection screen, or client software repository is not the same.

Nevertheless, in similar field of endeavor, Araujo discloses a method where a

security applet is delivered to a client in order for the client to access a remote server

comprising:

a) downloading the security applet to the client after determining whether the

security applet is locally available at the client or not, (col. 7, lines 30-45).

Kullick discloses a software management program associated with an application

(i.e. CIP/selection processor/selection screen) that comprises:

b) means for determining whether multiple versions of an application are

resident (column 3 lines 65-67 and column 4 lines 1-2);

    c) means for attempting to locate the newest version of an application and

       download it from a shared memory area (repository) to the client computer

       if the application is not locally available (column 4 lines 20-36);

    d) means for checking the repository to determine whether an upgrade is

       present if the application is locally available (column 4 lines 5-9);

    e) means for downloading a copy of the most recent version of the

       application to the client computer if the version of the application stored in

       shared memory is more recent than the version stored locally (column 4

       lines 5-11).

Given the teachings of Araujo, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Gilbert and Janay in order to determine whether the CIP, selection processor, selection

screen, or client software, was locally available, and if not, downloading the CIP,

selection processor, selection screen, or client software from a CIP, selection

processor, selection screen, or client software repository. This would have shielded a

user from the complexities of determining whether the CIP, selection processor,

selection screen, or client software is locally available at a client station, and would

prevent from unnecessarily downloading a CIP, selection processor, selection screen,

or client software, Araujo, col. 7, lines 45-53.

Given the teachings of Kullick et al, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Gilbert and Janay and Araujo, in order to use the software management program

disclosed by Kullick to manage the downloading of the CIP, selection processor,

selection screen, or client software disclosed by Gilbert and Janay. The motivation for

doing so would have been to shield users from the complexities involved with version

control of the downloadable CIP, selection processors, selection screens, or client

software Kullick, col. 1, lines 54-56.

11. Claims 8, 13, are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gilbert in view of Janay, as applied to claim 1 above, and further in view of McKay et al.

(hereinafter McKay), U.S. patent 4,893,307.

12. In considering claim 8, although the disclosed methods of Gilbert and Janay

shows substantial features of the claimed invention, they fail to expressly disclose:

    a) the client being a truly resident client.

Nevertheless, truly resident clients were well known in the art at the time of the

claimed invention and is exemplified by McKay whose method discloses linking host to

host over a communications network wherein:

    a) the host client is a truly resident client, (col. 12, lines 62-64).

Given the teachings of McKay, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Gilbert and Janay to provide a means for downloading, by the CIP, a client flat file for a

truly resident client. Doing so would have allowed the user to access the desired

application through a client already resident at the host, McKay, col. 12, lines 64-68, col. 13, lines 1-3.

13. In considering claim 13, although the disclosed methods of Gilbert shows substantial features of the claimed invention, they fail to expressly disclose:

    a) the selected network application being an SNA application, and the client being accessed through a Telnet 3270 server.

Nevertheless, SNA applications were well known in the art at the time of the claimed invention and is exemplified by McKay whose method discloses linking host to host over a communications network wherein:

    a) the network application is an SNA application, (col. 12, lines 62-64).

The methods of Janay discloses:

    b) the client being a Telnet 3270 client, and accessing an application through a Telnet 3270 server 103, (col. 3, lines 4-12).

Given the teachings of McKay, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Gilbert to provide a means for selecting an SNA application located on a PDAC. Doing so would have allowed the user to access a remote SNA application, McKay, col. 12, lines 62-64.

Given the teachings of Janay, it would have been apparent to one of ordinary skill in the art, at the time of the present invention, to modify the teachings of Gilbert to provide a means for the accessing the application through a Telnet 3270 server. Doing

so would have facilitated the process a user must go through in order to access the

desired application by means of a Telnet 3270 client, Janay, col. 2, lines 21-27.

14. Claim 14, is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gilbert in view of Janay, as applied to claim 1 above, and further in view of Araujo, and

further in view of Kullick, and further in view of McKay.

15. In considering claim 14, it would have been apparent to one of ordinary skill at

the time of the present invention that the combined methods of Gilbert, Janay, Araujo,

Kullick, and McKay, provide a means for carrying out the method according to anyone

of claims 1-13.

16. Claim 15, is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gilbert, in view of Janay.

17. In considering claim 15, Gilbert discloses a CIP to be downloaded in a

workstation, said CIP comprising:

    a) means for accessing and downloading an application selection processor

        and a selection screen, (col. 7, lines 61-67, col. 8, lines 1-9);

Although the disclosed method of Gilbert shows substantial features of the

claimed invention, it fails to expressly disclose:

    a) accessing and downloading by means of the CIP, a client applet or flat file.

Nevertheless, in a similar field of endeavor, Janay discloses a method for communicating with remote clients comprising:

a) accessing and downloading client software containing necessary parameters to communicate with a remote host, (col. 3, lines 4-18).

Given the teachings of Janay, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Gilbert to provide a means for accessing one or more client repositories, and to download one or a plurality of client applets and/or flat files, by means of the CIP. Doing so would have provided a user a means to access desired applications through an appropriate client, Janay, col. 2, lines 21-27.

18. Claims 16-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gilbert in view of Janay, as applied to claim 15 above, and further in view of Araujo, and further in view of Kullick.

19. In considering claims 16-18, although the disclosed methods of Gilbert and Janay, shows substantial features of the claimed inventions, they fail to disclose:

a) downloading the CIP, selection processor, and selection screen, after determining whether the CIP, selection processor, and selection screen is locally available, or if the CIP, selection processor, and selection screen, in the CIP, selection processor, and selection screen, repository is not the same.

Nevertheless, in similar field of endeavor, Araujo discloses a method where a security applet is delivered to a client in order for the client to access a remote server comprising:

    a) downloading the security applet to the client after determining whether the security applet is locally available at the client or not, (col. 7, lines 30-45).

Kullick discloses a software management program associated with an application (i.e. CIP/selection processor/selection screen) that comprises:

    b) means for determining whether multiple versions of an application are resident (column 3 lines 65-67 and column 4 lines 1-2);

    c) means for attempting to locate the newest version of an application and download it from a shared memory area (repository) to the client computer if the application is not locally available (column 4 lines 20-36);

    d) means for checking the repository to determine whether an upgrade is present if the application is locally available (column 4 lines 5-9);

    e) means for downloading a copy of the most recent version of the application to the client computer if the version of the application stored in shared memory is more recent than the version stored locally (column 4 lines 5-11).

Given the teachings of Araujo, it would have been obvious to a person of ordinary skill in the art, at the time of the present invention, to modify the teachings of Gilbert and Janay in order to determine whether the CIP, selection processor, selection screen, or client software, was locally available, and if not, downloading the CIP,

selection processor, selection screen, or client software from a CIP, selection

processor, selection screen, or client software repository. This would have shielded a

user from the complexities of determining whether the CIP, selection processor,

selection screen, or client software is locally available at a client station, and would

prevent from unnecessarily downloading a CIP, selection processor, selection screen,

or client software, Araujo, col. 7, lines 45-53.

Given the teachings of Kullick et al, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Gilbert and Janay and Araujo, in order to use the software management program

disclosed by Kullick to manage the downloading of the CIP, selection processor,

selection screen, or client software disclosed by Gilbert and Janay. The motivation for

doing so would have been to shield users from the complexities involved with version

control of the downloadable CIP, selection processors, selection screens, or client

software Kullick, col. 1, lines 54-56.

20. Claim 19, is rejected under 35 U.S.C. 103(a) as being unpatentable over

Gilbert in view of Janay, as applied to claim 15 above, and further in view of McKay.

21. In considering claim 19, although the disclosed methods of Gilbert shows

substantial features of the claimed invention, they fail to expressly disclose:

   a) the selected network application being an SNA application, and the client

       being accessed through a Telnet 3270 server.

Nevertheless, SNA applications were well known in the art at the time of the

claimed invention and is exemplified by McKay whose method discloses linking host to

host over a communications network wherein:

    a) the network application is an SNA application, (col. 12, lines 62-64).

The methods of Janay discloses:

    b) the client being a Telnet 3270 client, and accessing an application through

       a Telnet 3270 server 103, (col. 3, lines 4-12).

Given the teachings of McKay, it would have been obvious to a person of

ordinary skill in the art, at the time of the present invention, to modify the teachings of

Gilbert to provide a means for selecting an SNA application located on a PDAC. Doing

so would have allowed the user to access a remote SNA application, McKay, col. 12,

lines 62-64.

Given the teachings of Janay, it would have been apparent to one of ordinary

skill in the art, at the time of the present invention, to modify the teachings of Gilbert to

provide a means for the accessing the application through a Telnet 3270 server. Doing

so would have facilitated the process a user must go through in order to access the

desired application by means of a Telnet 3270 client, Janay, col. 2, lines 21-27.

Conclusion

1. The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Gilbert U.S. Patent No. 6,457,099 discloses a CIP used to access remote applications.

Janay et al U.S. Patent No. 6,295,075 discloses a method for accessing remote applications by downloading various clients from a server.

Araujo, U.S. Patent No. 6,327,662 discloses a means for determining whether a security applet is at a user workstation and downloading the security applet to the users workstation when there is no applet present.
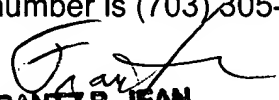
Kullick et al U.S. Patent No. 5,732,275 discloses automatically updating software programs.

McKay et al. U.S Patent No. 4,893,307 discloses a method for SNA communications over a network.

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hassan Phillips whose telephone number is (703) 305-8760. The examiner can normally be reached on M-F 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

FRANTZ B. JEAN
PRIMARY EXAMINER